

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6063

BILL NUMBER: HB 1077

NOTE PREPARED: Feb 7, 2003

BILL AMENDED: Feb 6, 2003

SUBJECT: Law Enforcement Animals.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill increases penalties for causing serious injury to or the death of a law enforcement animal or service animal.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, and a Class C felony is punishable by a prison term ranging between two and eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.)

If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders is approximately two years.

The following table shows how the laws concerning the injury and death of service and law enforcement animals would be restructured under this bill:

Note: Law enforcement animals include horses and dogs. Service animals are not limited to a particular species.

Type of Animal	Offense	Current Law	Proposed by Bill
Law Enforcement Animal	Serious permanent disfigurement, unconsciousness, or permanent or protracted loss or impairment of bodily function	Class A misdemeanor; but can be prosecuted as criminal mischief, a Class D felony (IC 35-43-1-2)	Class D felony
Law Enforcement Animal	Death	prosecuted as criminal mischief, a Class D felony (IC 35-43-1-2)	Class C felony
Service Animal	General mistreatment of animal while animal is assisting an impaired person	Class A Infraction	Class A Misdemeanor
Service Animal	Serious permanent disfigurement, unconsciousness, or permanent or protracted loss or impairment of bodily function	Class A Infraction	Class D Felony
Service Animal	Death	Class A Infraction	Class D Felony

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class C or a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Less revenue would be deposited in the state General Fund if a Class A infraction is eliminated. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. Court fees for infractions are \$70.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.

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